

WSR 11-23-035
RULES OF COURT
STATE SUPREME COURT

[November 3, 2011]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO CrR 4.2(g)-) NO. 25700-A-989
 STATEMENT OF DEFENDANT ON)
 PLEA OF GUILTY TO NON-SEX)
 OFFENSE; CrR 4.2(g)-STATEMENT OF)
 DEFENDANT ON PLEA OF GUILTY TO)
 SEX OFFENSE; CrR 4.2(g)-"OFFENDER)
 REGISTRATION" ATTACHMENT; JuCR)
 7.7-STATEMENT ON PLEA OF GUILTY;)
 JuCR 7.7-"OFFENDER REGISTRATION")
 ATTACHMENT; CrRLJ 4.2(g)-STATE-)
 MENT OF DEFENDANT ON PLEA OF)
 GUILTY; CrRLJ 4.2(g)-"OFFENDER)
 REGISTRATION" ATTACHMENT; CrRLJ)
 4.2(g)-"DUI" ATTACHMENT)

The Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g)-Statement of Defendant on Plea of Guilty to Non-Sex Offense; CrR 4.2(g)-Statement of Defendant on Plea of Guilty to Sex Offense; CrR 4.2(g)-"Offender Registration" Attachment; JuCR 7.7-Statement on Plea of Guilty; JuCR 7.7-"Offender Registration" Attachment; CrRLJ 4.2(g)-Statement of Defendant on Plea of Guilty; CrRLJ 4.2(g)-"Offender Registration" Attachment; CrRLJ 4.2(g)-"DUI" Attachment, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 3rd Day of November, 2011.

Madsen, C.J.

C. Johnson, J.

Fairhurst, J.

Alexander, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

Owens, J.

Wiggins, J.

Superior Court of Washington for	No. Statement of Defendant on Plea of Guilty to Non- Sex Offense (Felony) (STDFG)
<u>State of Washington</u> , Plaintiff	
vs. _____	
Defendant	

1. My true name is: _____.

2. My age is: _____.

3. The last level of education I completed was _____.

4. I Have Been Informed and Fully Understand That:

(a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: _____.

The elements are: _____.

5. I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial.

6. In Considering the Consequences of my Guilty Plea, I Understand That:

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1					
2					
3					

*Each sentencing enhancement will run consecutively to all other parts of my entire sentence, including other enhancements and other counts. The enhancement codes are: (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

[] For offenses committed after July 1, 2000 but prior to July 26, 2009, the court may impose a community custody range as follows: for serious violent offenses, 24 to 36 months; for crimes against persons, 9 to 12 months; for offenses under 69.50 and 69.52, 9 to 12 months.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 36 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Serious Violent Offenses	36 months
Violent Offenses	18 months
Crimes Against Persons as defined by RCW 9.94A.411(2)	12 months
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	12 months
Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate	12 months

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(g) The prosecuting attorney will make the following recommendation to the judge: _____

[] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless ~~it~~ the judge finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the a superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license. ~~RCW 9.41.040.~~

(k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(l) Government assistance may be suspended during any period of confinement.

(m) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee.

Notification Relating to Specific Crimes: *If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.*

(n) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

(o) The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement and up to ~~two~~ one years of community custody plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

(p) The judge may sentence me under the Parenting Sentencing Alternative if I qualify under ~~Laws of 2010, ch. 224, §2~~ RCW 9.94A.655. If I am eligible, the judge may order DOC to complete either a risk assessment report or a chemical dependency screening report, or both. If the judge decides to impose the Parenting Sentencing Alternative, the sentence will consist of 12 months of community custody and I will be required to comply with the conditions imposed by the court and by DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. The court may modify the conditions of community custody or impose sanctions. If the court finds I violated the conditions or requirements of the sentence or I failed to make satisfactory progress in treatment, the court may order me to serve a term of total confinement within the standard range for my offense.

(q) If this crime involves kidnapping involving a minor, including unlawful imprisonment involving a minor who is not my child, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

(r) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(s) If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

(t) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. If I qualify and the judge is considering a residential chemical dependency treatment-based alternative, the judge may order that I be examined by DOC before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.

If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive sub-

stance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(e). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

___ (u) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

___ (v) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, and if a fine is imposed, \$3,000 of the fine may not be suspended a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401 (2)(b).

___ (w) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.

___ (x) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

___ (y) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(14).

___ (z) If I am pleading guilty to felony driving under the influence of intoxicating liquor or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with ignition interlock device requirements.

___ (aa) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].

___ (bb) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

___ (cc) The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.

___ (dd) The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

___ (ee) If I am pleading guilty to (1) unlawful possession of a firearm(s) in the first or second degree and (2) felony theft of a firearm or possession of a stolen firearm, I am required to serve the sentences for these crimes consecutively to one another. If I am pleading guilty to unlawful possession of more than one firearm, I must serve each of the sentences for unlawful possession consecutively to each other.

___ (ff) If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.-331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

__ (gg) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I cannot have a current or prior conviction for a sex or violent offense.

7. I plead guilty to:
count

_____ count

_____ count

_____ in the _____ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

_____.

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant

I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney

Defendant's Lawyer

Print Name

WSBA No.

Print Name

WSBA No.

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

<p>Superior Court of Washington for</p>	<p>No. _____</p>
<p>State of Washington, Plaintiff</p>	<p>Statement of Defen- dant on Plea of Guilty to Sex Offense (Felony) (STTDFG)</p>
<p>vs.</p>	<p>_____</p>
<p>_____</p>	<p>Defendant</p>

The elements are: _____

5. I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. In Considering the Consequences of my Guilty Plea, I Understand That:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

- 1. My true name is: _____.
- 2. My age is: _____.
- 3. The last level of education I completed was ____.
- 4. **I Have Been Informed and Fully Understand That:**
 - (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: _____.

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1					
2					
3					

*Each sentencing enhancement will run consecutively to all other parts of my entire sentence, including other enhancements and other counts. The enhancement codes are: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensa-

tion fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9.94A.507: If this offense is any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree

Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(ii) If this offense is a sex offense that is not listed in paragraph 6 (f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006: For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.

2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes special allegation that the victim of the offense was under 15 years of age at the time of the offense.

3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violation: If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(g) The prosecuting attorney will make the following recommendation to the judge: _____

 _____.

[] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless ~~the judge~~ finds substantial and compelling reasons not to do so (except as provided in

paragraph 6(f). I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or a the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license. ~~RCW 9.41.040.~~

(k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(l) Government assistance may be suspended during any period of confinement.

(m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.

(n) I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee.

(o) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

Notification Relating to Specific Crimes: If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.

(p) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in

federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation, or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

(q) **Special sex offender sentencing alternative:** In addition to other eligibility requirements under RCW 9.94A.-670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6 (f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of the minimum term of confinement for a sex offense listed in paragraph 6 (f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement if I committed the crime prior to July 1, 2005, or up to 12 months with no early release if I committed the crime on or after July 1, 2005; I will be ordered to participate in sex

offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

__ (r) If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

__ (s) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

__ (t) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

__ (u) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[p].

__ (v) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

__ (w) The offense(s) I am pleading guilty to include a deadly weapon, firearm or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

__ (x) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or

third degree or child molestation in the first, second or third degree, and I engaged, agreed or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.

7. I plead guilty to:
count

count

count

count

_____ in the _____ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

_____.

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney

Defendant's Lawyer

Print Name

WSBA No. Print Name

WSBA No.

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

Case Name _____

Cause No. _____

"Offender Registration" Attachment: sex offense, or kidnapping offense involving a minor as defined in Laws of 2010, ch. 267 § 1 RCW 9A.44.128. (If required, attach to Statement of Defendant on Plea of Guilty.)

1. General Applicability and Requirements: Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in Laws of 2010, ch. 267 § 1 RCW 9A.44.128, I will be required to register.

If I am a resident of Washington, I must register with the sheriff of the county of the state of Washington where I reside. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of the state of Washington where I will be residing.

If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of my school, where I am employed, or where I carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If I move to Washington or if I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I

leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state.

3. Change of Residence Within State: If I change my residence within a county, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of residence to the sheriff within three business days of moving. If I change my residence to a new county within this state, I must register with the sheriff of the new county within three business days of moving. Also within three business days, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of address to the sheriff of the county where I last registered.

4. Leaving the State or Moving to Another State: If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If I move out of state, I must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): I must give notice to the sheriff of the county where I am registered within three business days:

i) before arriving at a school or institution of higher education to attend classes;

ii) before starting work at an institution of higher education; or

iii) After any termination of enrollment or employment at a school or institution of higher education.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within three business days prior to arriving at the institution, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff of the county of my residence of my employment by the institution within three business days prior to beginning to work at the institution. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff of the county of my residence of my termination of enrollment or employment within three business days of such termination. If I attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, I am required to notify the sheriff of the county of my residence of my intent to attend the school. I must notify the sheriff within three business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if I do not have a fixed residence, I

Date: _____

SUPERIOR COURT OF WASHINGTON	
COUNTY OF _____	
JUVENILE COURT	
STATE OF WASHINGTON	NO:
vs.	STATEMENT ON PLEA OF GUILTY (STJOPG)
Respondent	

1. My true name is: _____
I am also known as: _____.
2. My age is _____. Date of Birth: _____
3. I have been informed and fully understand that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the judge will provide me with one at no cost. I understand that a lawyer can look at the social and legal files in my case, talk to the police, probation counselor and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.
4. I understand that I am charged with Count 1 _____
the elements of which are _____

Count 2 _____

am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within three business days after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

Defendant's signature _____

the elements of which are _____

And I have been given a copy of the charge(s).

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- a. I have the right to a speedy and public trial in the county where the offense(s) allegedly occurred.
 - b. I have the right to remain silent before and during trial, and I need not testify against myself.
 - c. I have the right to hear and question witnesses who might testify against me.
 - d. I have the right to testify and to have witnesses testify for me. These witnesses may be required to appear at no cost to me.
 - e. I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty.
 - f. I have the right to appeal a finding of guilt after trial.
6. I have been informed that in order to determine an appropriate sentence regarding the charges to which I plead guilty in this matter, the judge will take into consideration my criminal history, which is as follows:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

7. The Standard Sentencing Range, which was calculated using my criminal history as referenced in Paragraph 6, above, is as follows:

COUNT	SUPERVISION	COMMUNITY RESTITUTION	FINE	DETENTION	CVC	RESTITUTION
<input type="checkbox"/> 1	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> ____
<input type="checkbox"/> 2	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> ____
<input type="checkbox"/> 3	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> ____

I understand that, if community supervision is imposed, I will be required to comply with various rules, which could include school attendance, curfew, law abiding behavior, associational restrictions, counseling, treatment, urinalysis, and/or other conditions deemed appropriate by the judge.

LOCAL SANCTIONS:

Failure to comply with the conditions of supervision could result in a violation being found and further confinement imposed for the violation up to 30 days.

JUVENILE REHABILITATION ADMINISTRATION (JRA) COMMITMENT:

COUNT	WEEKS AT JUVENILE REHABILITATION ADMINISTRATION (JRA) FACILITY	CVC	RESTITUTION
<input type="checkbox"/> 1	<input type="checkbox"/> 15 - 36 <input type="checkbox"/> 30 - 40 <input type="checkbox"/> 52 - 65 <input type="checkbox"/> 80 - 100 <input type="checkbox"/> 103 - 129 <input type="checkbox"/> 180 - Age 21	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> ____
<input type="checkbox"/> 2	<input type="checkbox"/> 15 - 36 <input type="checkbox"/> 30 - 40 <input type="checkbox"/> 52 - 65 <input type="checkbox"/> 80 - 100 <input type="checkbox"/> 103 - 129 <input type="checkbox"/> 180 - Age 21	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> ____
<input type="checkbox"/> 3	<input type="checkbox"/> 15 - 36 <input type="checkbox"/> 30 - 40 <input type="checkbox"/> 52 - 65 <input type="checkbox"/> 80 - 100 <input type="checkbox"/> 103 - 129 <input type="checkbox"/> 180 - Age 21	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> ____

I understand that, if I am committed to a Juvenile Rehabilitation Administration (JRA) facility, following my release I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community restitution, electronic monitoring, and urinalysis. Failure to comply with the conditions of parole may result in parole revocation and further confinement. If the offense to which I am pleading guilty is a sex offense, failure to comply with the conditions of parole may result in further confinement of up to 24 weeks.

am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history when sentencing me for any offense that I commit in the future as an adult or juvenile.

11. GROUNDS FOR DEPORTATION: If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law ~~is~~ may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

12. NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

I understand that if I am pleading guilty to two or more offenses, the disposition terms shall run consecutively (one term after the other) subject to the limitations in RCW 13.40.180.

[A] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: I have been informed that if the offense that I am pleading guilty to involves a finding that I was armed with a firearm when I committed the offense or if the offense was a violation of RCW 9A.1.040 (2)(a)(iii) or chapters 66.44, 69.41, 69.50 or 69.52 and I was 13 years of age or older when I committed the offense, then the plea will result in the suspension or revocation of my privilege to drive.

I understand that if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding.

[B] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES: I have been informed that if the offense that I am pleading guilty to is any felony in the commission of which a motor vehicle was used, reckless driving, driving or being in physical control of a motor vehicle while under the influence of intoxicants, driving while license suspended or revoked, vehicular assault, vehicular homicide, hit and run, theft of motor vehicle fuel, or attempting to elude a pursuing police vehicle, the plea will result in the suspension or revocation of my privilege to drive.

8. RIGHT TO APPEAL SENTENCE: I understand, that the judge must impose a sentence within the standard range, unless the judge finds by clear and convincing evidence that the standard range sentence would amount to a manifest injustice. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am 21 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

[C] OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE: Because this crime involves a sex offense, or a kidnapping offense involving a minor, or sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation, or conspiracy to commit a sex offense or a kidnapping offense involving a minor, as defined in ~~Laws of 2010, ch. 267, § 1~~ RCW 9A.44.128, I will be required to register where I reside,

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that if I am pleading guilty to two or more offenses that arise out of the same course of conduct, only the most serious offense will count as an offense in my criminal history. I understand that my guilty plea will remain part of my criminal history when I

study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

[D] DNA TESTING: Pursuant to RCW 43.43.754, if this crime involves a felony, or an offense which requires sex or kidnapping offender registration, or any of the following offenses: stalking, harassment, communication with a minor for immoral purposes, assault in the fourth degree with sexual motivation, custodial sexual misconduct in the second degree, failure to register as a sex or kidnapping offender, patronizing a prostitute, sexual misconduct with a minor in the second degree, or violation of a sexual assault protection order, I will be required to have a biological sample collected for purposes of DNA identification analysis. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.

[E] HIV TESTING: If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus. RCW 70.24.340.

[F] DOMESTIC VIOLENCE ASSESSMENT: If this offense involves domestic violence, I may be required to pay a domestic violence assessment of up to \$100.

[G] CRIME LAB FEES: If this offense involves a controlled substance, I will be required to pay \$100 for the State Patrol Crime Lab fees to test the substance.

[H] SCHOOL NOTIFICATION: If I am enrolled in a common school, the court will notify the principal of my plea of guilty if the offense for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; inhaling toxic fumes under chapter 9.47A RCW; a controlled substance violation under chapter 69.50 RCW; a liquor violation under RCW 66.44.-270; or any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW. RCW 13.04.155.

[I] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend the school attended by the victim or victim's siblings. RCW 13.40.160.

[J] FEDERAL BENEFITS: I understand that if I am pleading guilty to a felony drug offense, my eligibility for state and federal food stamps and welfare will be affected. 21 U.S.C. § 862a.

[K] MANDATORY MINIMUM SENTENCE: The crime of has a mandatory minimum sentence of at least _____ weeks of total confinement. The law does not allow any reduction of this sentence.

[L] RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO OFFENDER] I have been informed that if I am pleading guilty to any offense that is classified as a felony or any of the following crimes when committed by one family or household member against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; that I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so has been restored by the court in which I am adjudi-

cated or the a superior court in Washington State where I live, and by a federal court if required. RCW 9.41.040(1).

[M] FIREARMS POSSESSION OR COMMISSION WHILE ARMED:

[i] Minimum 10 Days for Possession Under Age 18: I understand that the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040 ~~(1)(b)~~(2)(a)(iii), and pursuant to RCW 13.40.193, the judge will impose a mandatory minimum disposition of 10 days of confinement, which must be served in total confinement without possibility of release until a minimum of 10 days has been served.

[ii] Unlawful Possession with Stolen Firearm: I understand that if the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, that the sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[iii] Armed During Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall be determined pursuant to RCW 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. Such confinement will run consecutive to any other sentence that may be imposed.

13. I understand that the prosecuting attorney will make the following recommendation to the judge: _____

_____.

14. I understand that the probation counselor will make the following recommendation to the judge: _____

_____.

15. Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence he or she feels is appropriate, up to the maximum allowed by law.

16. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my

statement:

[] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

17. I plead guilty to count _____ in the _____ Information. I have received a copy of that Information.

Dated: _____

18. I make this plea freely. No one has threatened to harm me or anyone else to get me to plead guilty.

19. No one has made any promises to make me plead guilty, except as written in this statement.

20. I have read or someone has read to me everything printed above, and in Attachment "A," if applicable, and I understand it in full. I have been given a copy of this statement. I have no more questions to ask the judge.

Respondent

I have read and discussed this statement with the respondent and believe that the respondent is competent and fully understands the statement.

Deputy Prosecuting Attorney

WSBA No. _____

Attorney for Respondent

WSBA No. _____

Type or Print Name

Type or Print Name

JUDGE'S CERTIFICATE

The foregoing statement was signed by the respondent in open court in the presence of his or her lawyer and the undersigned judge. The respondent asserted that [check appropriate box]:

- (a) The respondent had previously read the entire statement above and that the respondent understood it in full;
- (b) The respondent's lawyer had previously read to him or her the entire statement above and that the respondent understood it in full; or
- (c) An interpreter had previously read to the respondent the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

INTERPRETER'S DECLARATION: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the respondent's plea of guilty is knowingly, intelligently, and voluntarily made. Respondent understands the charges and the consequences of the plea. There is a factual basis for the plea. The respondent is guilty as charged.

Dated: _____

Judge/Commissioner

Case Name _____

Cause No. _____

D.O.B: _____

"Offender Registration" Attachment: Offender Registration For Sex Offense or Kidnapping Offense (If required, attach to Statement on Plea of Guilty.)

1. General Applicability and Requirements: Because this crime involves a sex offense or a kidnapping offense

involving a minor as defined in ~~Laws of 2010, ch. 267 § 1 RCW 9A.44.128~~, I will be required to register.

If I am a resident of Washington, I must register with the sheriff of the county of the state of Washington where I reside. I must register within three business days of being sentenced unless I am in custody, in which case I must regis-

ter at the time of my release with the person designated by the agency that has jurisdiction over me and I must also register within three business days of my release with the sheriff of the county of the state of Washington where I will be residing.

If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me and I must also register within three business days of my release with the sheriff of the county of the state of Washington where I am a student, where I am employed or where I carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If I move to Washington or if I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state.

3. Change of Residence Within State: If I change my residence within a county, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of residence to the sheriff within three business days of moving. If I change my residence to a new county within this state, I must register with the sheriff of the new county within three business days of moving. Also within three business days, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of address to the sheriff of the county where I last registered.

4. Leaving the State or Moving to Another State: If I move to another state, or if I work, carry on a vocation, or attend school in another state, I must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If I move out of the state, I must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): I must give notice to the sheriff of the county where I am registered within three business days:

i) before arriving at a school or institution of higher education to attend classes;

ii) before starting work at an institution of higher education; or

iii) after any termination of enrollment or employment at a school or institution of higher education. ~~If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within three business days prior to arriving at the institution, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff of the county of my residence of my employment by the institution within three business days prior to beginning to work at the institution. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff of the county of my residence of my termination of enrollment or employment within three business days of such termination. If I attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, I am required to notify the sheriff of the county of my residence of my intent to attend the school. I must notify the sheriff within three business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.~~

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within three business days after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44-130(7).

Date: _____

Respondent's signature

Court of Washington
for _____
Plaintiff,
vs.

Defendant.

No.
Statement of Defendant on Plea of Guilty

1. My true name is _____.
2. My age is _____.
3. I went through the _____ grade.
4. ***I Have Been Informed and Fully Understand that:***

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with:

Count	Crime	RCW or Ordinance (with subsection)
1.		
2.		
3.		
4.		

In count(s) _____, the defendant committed the offense against another family or household member as defined in RCW 10.99.020.

The elements are:

as set out in the charging document.

as follows: _____

5. I Understand That I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial.

6. In Considering the Consequences of my Guilty Plea, I Understand That:

(a) The crime with which I am charged carries a maximum sentence of _____ days in jail and a \$ _____ fine.

(b) The prosecuting authority will make the following recommendation to the judge: _____

(c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.

(d) The judge may place me on probation for up to five (5) years if I am sentenced for a domestic violence offense or under RCW 46.61.5055, or up to two (2) years for all other offenses and impose conditions of probation. If the court orders me to appear at a hearing regarding my compliance with probation and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record.

(e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.

(f) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law ~~is~~ may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

Notification Relating to Specific Crimes: If any of the Following Paragraphs Apply, the Box Should Be Checked and the Paragraph Initialed by the Defendant.

(g) The crime of _____ has a mandatory minimum sentence of _____ days in jail and \$ _____ fine plus costs and assessments. The law does not allow any reduction of this sentence.

(h) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

(i) This plea of guilty will result in suspension or revocation of my driving license or privilege by the Department of Licensing for a period of _____. This period may not include suspension or revocation based on other matters.

(j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by ~~a~~ the court of record that ordered the prohibition on possession of a firearm or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license. ~~RCW 9.41.040.~~

(k) If this crime involves a violation of Title 77 RCW, the Department of Fish and Wildlife may, and in some cases shall, suspend or revoke my privileges.

(l) If this crime involves a drug offense, my eligibility for state and federal education benefits will be affected. 20 U.S.C. § 1091(r).

(m) This plea of guilty is considered a conviction under RCW 46.25.010 and I will be disqualified from driving

a commercial motor vehicle. RCW 46.25.090. I am required to notify the Department of Licensing and my employer of this guilty plea within 30 days after the judge signs this document. RCW 46.25.030.

(n) If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to:

the penalties described in the "DUI" Attachment.

OR

these penalties: The mandatory minimum sentence of _____ days in jail, _____ days of electronic home monitoring and \$ _____ monetary penalty. The court shall require me to apply for an ignition interlock driver's license and to drive only with a functioning ignition interlock device or, if the court waives those requirements, to submit to alcohol monitoring, for ____ year(s). I may also be required to drive only motor vehicles equipped with an ignition interlock device as imposed by the Department of Licensing and/or the court. My driving privilege will be suspended or revoked by the Department of Licensing for the period of time stated in paragraph 6(i). In lieu of the minimum jail term, the judge may order me to serve _____ days in electronic home monitoring. If I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring, if I live out of state, or if the judge determines I would violate the terms of electronic home monitoring, the judge may waive electronic home monitoring and impose an alternative sentence which may include additional jail time, work crew or work camp.

(o) If this case involves reckless driving and the original charge was driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years; or if the original charge was vehicular homicide (RCW 46.61.520) or vehicular assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug, I have been informed and understanding that I will be subject to the penalties for Reckless Driving described in the "DUI" Attachment.

(p) If this case involves negligent driving in the first degree, and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years, I have been informed and understand that I will be subject to the penalties for Negligent Driving - 1st Degree described in the "DUI" Attachment.

(eq) If this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128, I will be required to register with the county sheriff as described in the "Offender Registration" Attachment.

(pr) Pursuant to RCW 43.43.754, if this crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses: assault in the fourth degree with sexual motivation, communication with a minor for immoral purposes, custodial sexual misconduct in the second degree, failure to register, harassment, patronizing a

prostitute, sexual misconduct with a minor in the second degree, stalking, or violation of a sexual assault protection order granted under chapter 7.90 RCW, I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.

(qs) **Travel Restrictions:** I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if I am placed on probation for one (1) year or more and this crime involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires the offender to register as a sex offender in the sending state. I understand that I will be required to pay an application fee with my travel or transfer request.

7. I plead guilty to the crime(s) of _____ as charged in the complaint(s) or citation(s) and notice. I have received a copy of that complaint or citation and notice.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. **Statement of Facts:** The judge has asked me to state in my own words what I did that makes me guilty of the crime(s). This is my statement (state the specific facts that support each element of the crime(s)):

Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Date: _____

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Authority

Defendant's Lawyer

Type or WSBA No.
Print Name

Type or WSBA No.
Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that (check the appropriate box):

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

Interpreter Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the

Case Name: _____

"Offender Registration" Attachment: Sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or kidnapping offense involving a minor, as defined in RCW 9A.44.128. (If required, attach to Statement of Defendant on Plea of Guilty.)

1. General Applicability and Requirements: Because this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128, I will be required to register.

If I am a resident of Washington, I must register with the sheriff of the county of the state of Washington where I reside. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of the state of Washington where I will be residing.

If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of my school, where I am employed, or where I carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If I move to Washington or if I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state.

court to interpret in the _____ language, which the defendant understands. I have translated this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter _____ Print Name _____

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

Cause No.: _____

3. Change of Residence Within State: If I change my residence within a county, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of residence to the sheriff within three business days of moving. If I change my residence to a new county within this state, I must register with the sheriff of the new county within three business days of moving. Also within three business days, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of address to the sheriff of the county where I last registered.

4. Leaving the State or Moving to Another State: If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If I move out of the state, I must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): I must give notice to the sheriff of the county where I am registered within three business days:

i) before arriving at a school or institution of higher education to attend classes;

ii) before starting work at an institution of higher education; or

iii) after any termination of enrollment or employment at a school or institution of higher education. ~~If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within three business days prior to arriving at the institution, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff of the county of my residence of my employment by the institution within three business days prior to beginning to work at the institution. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff for the county of my residence of my termination of enrollment or employment within three~~

business days of such termination. If I attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, I am required to notify the sheriff of the county of my residence of my intent to attend the school. I must notify the sheriff within three business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within three business days after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county.

Date: _____

Case Name: _____

"DUI" Attachment: Driving under the influence of alcohol and/or actual physical control of a vehicle while under the influence of alcohol and/or drugs. (If required, attach to Statement of Defendant on Plea of Guilty.)

Court - DUI Sentencing Grid (RCW 46.61.5055 as amended through January 1 September 1, 2011)

BAC Result < .15 or No Test Result	No Prior Offense ¹	One Prior Offense ¹	Two or Three Prior Offenses ¹
Mandatory Minimum/Maximum Jail Time ²	24 Consecutive Hours/ 365 <u>364</u> Days	30/ 365 <u>364</u> Days	90/ 365 <u>364</u> Days
EHM ²	15 Days in Lieu of Jail	60 Days Mandatory	120 Days Mandatory
Mandatory Minimum/Maximum Fine ³	\$865 <u>\$940.50</u> /\$5,000	\$1,120 <u>\$195.50</u> /\$5,000	\$1,970 <u>\$45.5</u> /\$5,000
Driver's License	90-Day Suspension	2-Year Revocation	3-Year Revocation
II Driver's License* II Device	Required	Required	Required
Alcohol/Drug Ed./Victim Impact or Treatment	As Ordered	As Ordered	As Ordered

*See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 4.

I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

Defendant's signature _____

Cause No.: _____

BAC Result ≥ .15 or Test Refusal	No Prior Offense ¹	One Prior Offense ¹	Two or Three Prior Offenses ¹
Mandatory Minimum/Maximum Jail Time ²	2 Consecutive/ 365 <u>364</u> Days	45/ 365 <u>364</u> Days	120/ 365 <u>364</u> Days
EHM ²	30 Days in Lieu of Jail	90 Days Mandatory	150 Days Mandatory
Mandatory Minimum/Maximum Fine ³	\$1,120 <u>\$195.5</u> 0/\$5,000	\$1,545 <u>\$620.5</u> 0/\$5,000	\$2,820 <u>\$895.5</u> 0/\$5,000
Driver's License	1-Year Revocation 2 Years if BAC refused	900-Days Revocation 3 Years if BAC refused	4-Year Revocation
II Driver's License* II Device	Required	Required	Required
Alcohol/Drug Ed./Victim Impact or Treatment	As Ordered	As Ordered	As Ordered

*See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 4.

Court Ordered Ignition Interlock Driver's License and Device Requirements, RCW 46.20.720(2), 46.61.5055(5), 46.20.385, effective January 1, 2009*			
Requirement	No Previous Restriction+	Previous 1-Year Restriction+	Previous 5-Year Restriction+
II Driver's License II Device	1 Year	5 Years	10 Years

+Period of time for ignition interlock restriction is pursuant to RCW 46.61.5055 (5)(g).

*See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 4.

Department of Licensing Required Ignition Interlock Device Requirements, RCW 46.20.720 (3)(4) January 1, 2011*			
Requirement	No Previous Restriction no less than:	Previous 1-Year Restriction no less than:	Previous 5-Year Restriction no less than:
II Device	1 Year	5 Years	10 Years
Restriction remains in effect, until IID vendor certifies to DOL that none of the following incidents occurred within four (4) months before date of release: an attempt to start the vehicle with a BAC of .04 or more; failure to take or pass any required retest; failure of the person to appear at the IID vendor when required.			

*See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 4.

1Prior Offenses: Count all prior offenses where the arrest date of the prior offense occurred within seven (7) years before or after the arrest date on the current offense. RCW 46.61.5055 (14)(b); *Seattle v. Quezada*, 142 Wn.App. 43, 174 P.3d 129 (Div. 1 2007). "Prior offense" is defined by RCW 46.61.5055 (14)(a) to include-

- ⇒ **Original Convictions for the following:** (1) DUI (RCW 46.61.502) (or an equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or an equivalent local ordinance); (3) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence; (4) Equiv. out-of-state statute for any of the above offenses.
- ⇒ **Deferred Prosecution Granted for the following:** (1) DUI (RCW 46.61.502) (or equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or equiv. local ordinance); (3) Neg. Driving 1st (RCW 46.61.5249, or equiv. local ord.), *if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522).* See *Bremerton v. Tucker*, 126 Wn.App. 26, 103 P.3d 1285 (Div. 2 2005); *Seattle v. Quezada*, 142 Wn.App. 43, 174 P.3d 129 (Div. 1 2007) (a revoked deferred prosecution only counts as one prior offense). If a deferred

prosecution is revoked based on a subsequent conviction for an offense listed in RCW 46.61.5055 (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing.

- ⇒ **Amended Convictions for the following:** *If the person was originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522); but convicted of (1) Neg. Driving 1st (RCW 46.61.5249), (2) Reckless Driving (RCW 46.61.500), (3) Reckless Endangerment (RCW 9A.36.050), (4) Equiv. out-of-state or local ordinance for the above offenses. See, *Walla Walla v. Greene*, 154 Wn.2d 722, ¶14, 116 P.3d 1008 (2005). If originally charged with Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug; but convicted of Veh. Hom. or Veh. Assault committed in a reckless manner or with the disregard for the safety of others.*

2Mandatory Jail and Electronic Home Monitoring (EHM): If there are prior offenses within seven (7) years before or after the arrest date of the current offense, the mandatory jail shall be served by imprisonment for the minimum statutory term and may not be suspended or deferred unless the court finds that imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. The mandatory statutory term may not be converted to EHM. *Bremerton v. Bradshaw*, 121 Wn.App. 410, 88 P.3d 438 (Div. 2 2004). Where there are no prior offenses within seven (7) years, the court may grant EHM instead of mandatory minimum jail. If there are prior offenses, the mandatory EHM may not be suspended or deferred unless the court finds that imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. RCW 46.61.5055 (1)(a)(i), (2)(a)(i), (3)(a)(i).

Mandatory Conditions of Probation for any Suspended Jail Time: The individual is not to: (i) drive a motor vehicle without a valid license to drive and proof of financial responsibility (SR 22), (ii) drive while having an alcohol concentration of .08 or more within two (2) hours after driving, (iii) refuse to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. Except for ignition interlock driver's license and device or alcohol monitoring requirements under RCW 46.61.5055(5), violation of **any** mandatory condition requires a minimum penalty of 30 days' confinement, which may not be suspended or deferred, and an additional 30-day license suspension. RCW 46.61.5055(11). Courts are required to report violations of mandatory conditions requiring confinement or license suspension to DOL. RCW 46.61.5055.

3Mandatory Monetary Penalty: PSEA 1, RCW 3.62.-090(1); Alcohol Violators Fee, RCW 46.61.5054; Criminal Justice Funding (CJF) Penalty, RCW 46.64.055 (Note: RCW

3.62.090 (1) and (2) apply to CJF penalty); Criminal Conviction Fee, RCW 3.62.085.

Felony DUI and Felony Physical Control: A current offense is a Class C felony punished under Ch. 9.94A RCW ~~With~~ if the defendant has (a) four (4) prior convictions within ten (10) years, or (b) one (1) prior conviction of Veh. Homicide or Veh. Assault (see above), or (c) a prior Class C felony resulting from a or a current offense is a Class C Felony punished under Chapter 9.94A RCW. "Within ten (10) years" means that the arrest for the prior offense occurred within ten (10) years before or after the arrest for the current offense. RCW 46.61.5055 (14)(c).

Jurisdiction: Court has five (5) years jurisdiction.

Department of Licensing - DUI Administrative Sanctions and Reinstatement Provisions

(As amended through ~~January 1, 2009~~ September 1, 2011)

Administrative Sanctions - RCW 46.20.3101		
REFUSED TEST	First Refusal Within 7 Years <u>And No Prior Administrative Action Within Past 7 Years*</u>	Second or Subsequent Refusal Within Past 7 Years OR First Refusal <u>And At Least One Prior Administrative Action Within Past 7 Years*</u>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
BAC RESULT	First Administrative Action	Second or Subsequent Administrative Action
Adults ≥ 0.08	90-Day License Suspension	2-Year License Revocation
Minors ≥ 0.02	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

*Day for day credit for revocation period already served under suspension, revocation, or denial imposed under RCW 46.61.5055 and arising out of the same incident. RCW 46.20.3101(4).

Ignition Interlock Driver's License, RCW 46.20.385 (effective January 1, 2009)

May apply for an Ignition Interlock Driver's License upon receiving RCW 46.20.308 notice or upon suspension or revocation. See "Court and Department of Licensing Ignition Interlock Requirements, page 4."

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five (5) years from the date he/she is eligible to reinstate his/her driver's license (see RCW 46.61.5055 and 46.20.355). An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five (5) years from the date of the incident, which was the basis for the deferred prosecution (see RCW 46.20.355 and 10.05.060).

Requirements for Reinstatement of Driving Privilege	
Suspended License*(RCW 46.20.311)	Revoked License*(RCW 46.20.311)
<ul style="list-style-type: none"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR 22) Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement Pay \$150 driver's license reissue fee Driver's ability test NOT required 	<ul style="list-style-type: none"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR22) Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement Pay \$150 driver's license reissue fee Satisfactorily complete a driver's ability test

*If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

Court and Department of Licensing (DOL) Ignition Interlock Requirements, RCW 46.20.380, 46.20.385

Ignition Interlock Driver's License, RCW 46.20.380, 46.20.385

Eligible to Apply	<ul style="list-style-type: none"> Conviction of violation of RCW 46.61.502, 46.61.504, or an equivalent local or out-of-state statute or ordinance, 46.61.520 (1)(a), or 46.61.522 (1)(b) involving alcohol License suspended, revoked, or denied under RCW 46.20.3101 Proof of installed functioning ignition interlock device
Requirements	<ul style="list-style-type: none"> Proof of financial responsibility (SR 22)
Financial Obligations	<ul style="list-style-type: none"> \$100 mandatory fee to DOL Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month, unless waived
Duration	Extends through the remaining portion of any concurrent or consecutive suspension or revocation imposed as the result of administrative action and criminal conviction arising from the same incident
Operation with Other Requirements	The time period during which the person is licensed under RCW 46.20.385 shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 and 46.61.5055

Court Ordered Ignition Interlock (II) Driver's License and Device: (A) If the court orders the person to refrain from consuming any alcohol and requires the person to apply for an II driver's license, and the person states he or she does not operate a motor vehicle, or the person is ineligible to obtain an II driver's license, then the court shall order the person to submit to alcohol monitoring for the period of mandatory license suspension or revocation one (1), five (5), or ten (10) years, and to pay for the monitoring. RCW 46.61.5055(5). (B) The court may waive requirements to apply for an II driver's license upon written findings of fact when: (i) the person lives out-of-state and the devices are not reasonably available in the local area, (ii) the person does not operate a motor vehicle, (iii) the person is not eligible to receive the driver's license under RCW 46.20.385 because the person is not a resident of Washington, is a habitual traffic offender, has already applied for or is already in possession of an II driver's license, has never had a driver's license, has been certified under Ch. 74.20A RCW as noncompliant with a child support order, or is subject to any other condition or circumstance that makes the person ineligible to obtain an II driver's license. (C) II device is not required on vehicles owned, leased, or rented by a person's employer or on those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of a person's employer as a requirement of employment during

business hours upon proof to DOL of employment affidavit. The court sets the calibration level.

Court Ordered Discretionary Ignition Interlock (II) Device: The court may order discretionary II device requirements that last up to the five (5) years jurisdictional limit of the court. The court sets the duration and calibration level. Discretionary II device restrictions begin after any applicable period of suspension, revocation, or denial of driving privileges. RCW 46.20.720(1).

Passenger Under Age 16: The Court shall order the installation and use of an II device for not less than 60 days if an IID is not mandatory under RCW 46.20.720 or 46.61.-5055(5) and for an additional 60 days if an IID is otherwise mandatory.

Deferred Prosecution: For application in DUI Deferred Prosecution, see RCW 46.20.720 and RCW 10.05.-140, which require II device in a deferred prosecution of any alcohol-dependency based case.

DOL Imposed Ignition Interlock (II) Device - RCW 46.20.720: For all offenses occurring June 10, 2004 or later, DOL shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning II device if the person is convicted of "an alcohol-related" violation of DUI or Physical Control. The DOL required II device is not required on vehicles owned, leased, or rented by a person's employer or on those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of a person's employer as a requirement of employment during business hours upon proof to DOL of employment affidavit. DOL may waive requirement if the device is not reasonably available in the local area. DOL will give day-for-day credit as allowed by law.

Court - Reckless Driving/Negligent Driving - 1st Degree Sentencing Grid (RCW 46.61.500, RCW 64.61.5249, RCW 46.20.720 as amended through September 1, 2011)

Conviction	Qualifications
<u>Reckless Driving (RCW 46.61.500 (3)(a))</u>	<ul style="list-style-type: none"> <u>Original charge: Violation of DUI (RCW 46.61.502) or Phys. Control (RCW 46.61.504) or equivalent local ordinance.</u> <u>One or More Prior Offenses within 7 years as defined above.</u>
<u>Reckless Driving (RCW 46.61.500 (3)(b))</u>	<ul style="list-style-type: none"> <u>Original charge: Violation of Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug.</u>
<u>Negligent Driving - 1st Degree (RCW 46.61.5249)</u>	<ul style="list-style-type: none"> <u>One or More Prior Offenses within 7 years as defined above.</u>

	<u>Consequences</u>
<u>IID Device</u>	<ul style="list-style-type: none"> • <u>6 Months.</u> • <u>Restriction remains in effect, until IID vendor certifies to DOL that none of the following incidents occurred within four months before date of release: an attempt to start the vehicle with a BAC of .04 or more; failure to take or pass any required retest; failure of the person to appear at the IID vendor when required.</u>
<u>Maximum Jail Time</u>	<ul style="list-style-type: none"> • <u>364 Days if convicted of reckless driving/90 days if convicted of negligent driving in the 1st degree.</u>
<u>Maximum Fine</u>	<ul style="list-style-type: none"> • <u>\$5,000 if convicted of reckless driving/\$1,000 if convicted of negligent driving in the 1st degree.</u>
<u>EHM</u>	<ul style="list-style-type: none"> • <u>As ordered.</u>
<u>Driver's License</u>	<ul style="list-style-type: none"> • <u>As imposed by DOL.</u>
<u>Alcohol/Drug Ed./Victim Impact or Treatment</u>	<ul style="list-style-type: none"> • <u>As ordered.</u>

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 11-24-001
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION

[Filed November 23, 2011, 2:48 p.m.]

As required by RCW 42.30.075, Open Public Meetings Act, the following schedule is submitted for publishing in the Washington State Register.

The Washington state parks and recreation commission has adopted the following 2012 regular meeting schedule. The first meeting of [the] commission will be held on February 8 in Olympia, Washington. This meeting will be held at Labor and Industries Building, Auditorium, 7273 Linderson Way S.W., Olympia, WA 98501.

The date and city location of the March through December meetings in 2012 are as follows:

March 28-29	Port Townsend
May 23 and 24	Yakima
August 8 and 9	Wenatchee
September 6	Olympia
October 24 and 25	Vancouver
December 5 and 6	Snohomish

The building or facility locations for all the meetings have not yet been determined and will be announced at the close of each regular meeting. The meeting locations may be obtained by writing to the Director, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8505.

Regular meetings run from 8 a.m. to 5 p.m. and include an opportunity for public comment. The commission typically meets in a work session from approximately noon to 4:30 p.m. the day prior to the regular meeting in the same location or at a location near the regular meeting location. Work sessions are educational sessions on park operations and issues that eventually may go before the commission.

The commission may also tour area sites or parks the day following the regular meeting. No public comment and no formal action are taken at work sessions and tours. The commission chair may call special meetings at any time; all special meetings are announced in advance.

The public is welcome to attend all state park and recreation commission meetings. Meeting sites will be barrier free to the greatest extent feasible. The commission will provide braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments if a request is received at the appropriate address shown above at least ten working days in advance of the scheduled meeting date.

Agendas are posted on the agency web site <http://www.parks.wa.gov/agency/commissionmeetings> at least one week in advance of meetings, and commission action posted.

WSR 11-24-005
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed November 28, 2011, 10:07 a.m.]

NOTICE OF 2012 PUBLIC MEETINGS

The following is the schedule of the regular meetings of the public employment relations commission for 2012:

January 10	Olympia office
February 14	Olympia office
March 13	Olympia office
April 10	Olympia office
May 8	Kirkland office
June 12	Olympia office
July 10	Olympia office
August 14	Olympia office
September 11	Kirkland office
October 9	Olympia office
November 13	Olympia office

All meetings begin at 10:00 a.m. Meetings will be held in the Third Floor Conference Room, 112 Henry Street N.E., Suite 300, Olympia, WA, except May and September, as noted above. The Kirkland office address is 9757 Juanita Drive N.E., Suite 201, Kirkland, WA 98034.

Following due notice, some meetings may be rescheduled or relocated.

Meeting sites are barrier free to the greatest extent possible. Braille or taped agenda items for visually impaired persons, and interpreters for individuals with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in advance of the scheduled meeting date, and should be addressed to the Public Employment Relations Commission, P.O. Box 40919, Olympia, WA 98504-0919.

WSR 11-24-006
RULES OF COURT
STATE SUPREME COURT
[November 22, 2011]

IN THE MATTER OF THE SUSPENSION OF) ORDER
THE EFFECTIVE DATE OF THE AMEND-) NO. 25700-A-995
MENTS TO CrR 3.1(d), JuCR 9.2(d) and CrRLJ)
3.1(d))

By ORDER NO. 25700-A-959, dated July 8, 2010, the Court adopted proposed amendments to CrR 3.1-Right to and Assignment of Lawyer; CrRLJ 3.1-Right to and Assignment of Lawyer, and JuCR 9.2-Additional Right to Representation by Lawyer. The Board of Judicial Administration (BJA) requested the Court delay the effective date of September 1, 2010, until such time as Standards for Indigent Defense Services had been promulgated and adopted by this Court. The Court considered the request and by ORDER NO. 25700-A-964, dated September 10, 2010, delayed the effective date until September 1, 2011. By ORDER NO. 25700-A-982, dated July 13, 2011, the Court again delayed the effective date until January 1, 2012. The Standards for Indigent Defense Services have not yet been adopted.

Now, therefore, it is hereby
ORDERED:

That the previously ordered effective date for CrR 3.1, CrRLJ 3.1 and JuCR 9.2 of January 1, 2012, is suspended until June 30, 2012, in order to permit additional comments on the Standards for Indigent Defense Services and for revised Standards 3 and 14 and the Certification of Compliance with Standards Required by CrR 3.1/CrRLJ 3.1/JuCR 9.2 to be published for comment.

DATED at Olympia, Washington this 22nd day of November, 2011.

For the Court

Madsen, C.J.

CHIEF JUSTICE

RULE CrR 3.1
RIGHT TO AND ASSIGNMENT OF LAWYER

(a) Types of Proceedings. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise.

(b) Stage of Proceedings.

(1) The right to a lawyer shall accrue as soon as feasible after the defendant is taken into custody, appears before a committing magistrate, or is formally charged, whichever occurs earliest.

(2) A lawyer shall be provided at every stage of the proceedings, including sentencing, appeal, and post-conviction review. A lawyer initially appointed shall continue to represent the defendant through all stages of the proceedings unless a new appointment is made by the court following withdrawal of the original lawyer pursuant to section (e) because geographical considerations or other factors make it necessary.

(c) Explaining the Availability of a Lawyer.

(1) When a person is taken into custody that person shall immediately be advised of the right to a lawyer. Such advice shall be made in words easily understood, and it shall be stated expressly that a person who is unable to pay a lawyer is entitled to have one provided without charge.

(2) At the earliest opportunity a person in custody who desires a lawyer shall be provided access to a telephone, the telephone number of the public defender or official responsible for assigning a lawyer, and any other means necessary to place the person in communication with a lawyer.

(d) Assignment of Lawyer.

(1) Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. A lawyer shall not be denied to any person merely because the person's friends or relatives have resources adequate to retain a lawyer or because the person has posted or is capable of posting bond.

(2) The ability to pay part of the cost of a lawyer shall not preclude assignment. The assignment of a lawyer may be conditioned upon part payment pursuant to an established method of collection.

(3) Information given by a person to assist in the determination of whether the person is financially able to obtain a lawyer shall be under oath and shall not be available for use by the prosecution in the pending case in chief.

(4) Before appointing a lawyer for the indigent person or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.

(e) Withdrawal of Lawyer. Whenever a criminal cause has been set for trial, no lawyer shall be allowed to withdraw from said cause, except upon written consent of the court, for good and sufficient reason shown.

(f) Services Other Than a Lawyer.

(1) A lawyer for a defendant who is financially unable to obtain investigative, expert or other services necessary to an adequate defense in the case may request them by a motion to the court.

(2) Upon finding the services are necessary and that the defendant is financially unable to obtain them, the court, or a person or agency to which the administration of the program may have been delegated by local court rule, shall authorize the services. The motion may be made ex parte and, upon a showing of good cause, the moving papers may be ordered

sealed by the court and shall remain sealed until further order of the court. The court, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, shall ratify such services after they have been obtained.

(3) Reasonable compensation for the services shall be determined and payment directed to the organization or person who rendered them upon the filing of a claim for compensation supported by affidavit specifying the time expended and the services and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

[Amended effective September 1, 1986; September 1, 1995, amended effective September 1, 2010.] (This effective date was suspended and changed to September 1, 2011 - SC Order # 964)

Comment

Supersedes RCW 10.01.110; RCW 10.40.030; RCW 10.46.050.

Revisers note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE JuCR 9.2

ADDITIONAL RIGHT TO REPRESENTATION BY LAWYER

(a) **Retained Lawyer.** Any party may be represented by a retained lawyer in any proceedings before the juvenile court.

(b) **Child in Need of Services Proceedings.** The court shall appoint a lawyer for indigent parents of a juvenile in a child in need of services proceeding.

(c) **Dependency and Termination Proceedings.** The court shall provide a lawyer at public expense in a dependency or termination proceeding as follows:

(1) Upon request of a party or on the court's own initiative, the court shall appoint a lawyer for a juvenile who has no guardian ad litem and who is financially unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment. A juvenile shall not be deprived of a lawyer because a parent, guardian, or custodian refuses to pay for a lawyer for the juvenile. If the court has appointed a guardian ad litem for the juvenile, the court may, but need not, appoint a lawyer for the juvenile.

(2) Upon request of the parent or parents, the court shall appoint a lawyer for a parent who is unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment.

(d) **Juvenile Offense Proceedings.** The court shall provide a lawyer at public expense in a juvenile offense proceeding when required by RCW 13.40.080(10), RCW 13.40.140 (2) or rule 6.2.

(1) Before appointing a lawyer for an indigent person or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.

[Amended effective September 1, 1987; September 1, 1997; September 1, 2010.] (This effective date was suspended and changed to September 1, 2011 - SC Order # 964)

Revisers note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE CrRLJ 3.1

RIGHT TO AND ASSIGNMENT OF LAWYER

(a) **Types of Proceedings.** The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise.

(b) **Stage of Proceedings.**

(1) The right to a lawyer shall accrue as soon as feasible after the defendant has been arrested, appears before a committing magistrate, or is formally charged, whichever occurs earliest.

(2) A lawyer shall be provided at every critical stage of the proceedings.

(c) **Explaining the Availability of a Lawyer.**

(1) When a person has been arrested he or she shall as soon as practicable be advised of the right to a lawyer. Such advice shall be made in words easily understood, and it shall be stated expressly that a person who is unable to pay a lawyer is entitled to have one provided without charge.

(2) At the earliest opportunity a person in custody who desires a lawyer shall be provided access to a telephone, the telephone number of the public defender or official responsible for assigning a lawyer, and any other means necessary to place him or her in communication with a lawyer.

(d) **Assignment of Lawyer.**

(1) Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. A lawyer shall not be denied to any person merely because his or her friends or relatives have resources adequate to retain a lawyer or because he or she has posted or is capable of posting bond.

(2) The ability to pay part of the cost of a lawyer shall not preclude assignment. The assignment of a lawyer may be conditioned upon part payment pursuant to an established method of collection.

(3) Information given by a person to assist in the determination of whether he or she is financially able to obtain a lawyer shall be under oath and shall not be available for use to the prosecution in the pending case in chief.

(4) Before appointing a lawyer for an indigent person, or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.

(e) **Withdrawal of Lawyer.** Whenever a case has been set for trial, no lawyer shall be allowed to withdraw except upon consent of the court for good cause shown and upon substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer.

(f) **Services Other Than Lawyer.**

(1) A lawyer for a defendant who is financially unable to obtain investigative, expert or other services necessary to an

adequate defense in the case may request them by a motion to the court.

(2) Upon finding that the services are necessary and that the defendant is financially unable to obtain them, the court, or a person or agency to which the administration of the program may have been delegated by local court rule, shall authorize the services. The motion may be made ex parte, and, upon a showing of good cause, the moving papers may be ordered sealed by the court, and shall remain sealed until further order of the court. The court, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, shall ratify such services after they have been obtained.

(3) Reasonable compensation for the services shall be determined and payment directed to the organization or person who rendered them upon the filing of a claim for compensation supported by affidavit specifying the time expended and the services and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

[Amended effective September 1, 1995; amended effective September 1, 2010.] (This effective date was suspended and changed to September 1, 2011 - SC Order # 964)

Revisers note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 11-24-007
RULES OF COURT
STATE SUPREME COURT
[November 22, 2011]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE PROPOSED REVISED STAN-) NO. 25700-A-994
DARDS FOR INDIGENT DEFENSE SER-)
VICES-REVISED STANDARDS 3 AND)
14 AND CERTIFICATION OF COMPLI-)
ANCE WITH STANDARDS REQUIRED)
BY CrR3.1/CrRLJ 3.1/JuCR9.2)

The Washington State Bar Association having recommended the adoption of the proposed revised Standards for Indigent Defense Services-Revised Standards 3 and 14 and Certification of Compliance with Standards Required by CrR 3.1/CrRLJ 3.1/JuCR 9.2, and the Court having approved the proposed new standards for publication;

Now, therefore, it is hereby
ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed revised standards as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January, 2012.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2012. Comments may be sent to the fol-

lowing addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 22nd day of November, 2012 [2011].

For the Court

Madsen, C.J.
CHIEF JUSTICE

AMENDMENTS TO STANDARD 3 OF THE WASHINGTON STATE BAR ASSOCIATION'S "STANDARDS ON INDIGENT DEFENSE" AS PROPOSED AND RECOMMENDED BY THE WSBA COUNCIL ON PUBLIC DEFENSE ON SEPTEMBER 7, 2011

STANDARD THREE: Caseload Limits and Types of Cases Standard:

1. The contract or other employment agreement or government budget shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle.

2. The caseload of public defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. As used in this Standard, "quality representation" is intended to describe the minimum level of attention, care and skill that Washington citizens would expect of their state's criminal justice system.

3. **General Considerations:** Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort in each case type specified. Caseload limits assume a reasonably even distribution of cases throughout the year.

The increased complexity of practice in many areas will require lower caseload ~~ceilings~~ limits. The maximum caseload limit should be adjusted downward when the mix of case assignments is weighted toward ~~more serious~~ more serious offenses or case types that demand more investigation, legal research and writing, use of experts, use of and/or social workers, or other expenditures of time and resources. ~~In particular, felony Attorney caseloads should be assessed by the workload required, and certain cases and types of cases should be weighted accordingly.~~

If a defender or assigned counsel is carrying a mixed caseload including cases from more than one category of cases, these standards should be applied proportionately to determine a full caseload. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the caseload should be based on the percentage of time the lawyer devotes to public defense.

The experience of a particular attorney is a factor in the composition of cases in the attorney's caseload.

The following types of cases fall within the intended scope of the caseload limits for criminal and juvenile offender cases in Standard 3.4 and must be taken into account when assessing an attorney's numerical caseload: partial case representations, sentence violations, specialty or therapeutic courts, transfers, extraditions, representation of material wit-

nesses, petitions for conditional release or final discharge, and other matters that do not involve a new criminal charge.

Definition of case: A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation. In courts of limited jurisdiction multiple citations from the same incident can be counted as one case.

4. Caseload Limits: The caseload of a full-time public defense attorney or assigned counsel shall not exceed the following:

150 Felonies per attorney per year; or

300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this Standard, 400 cases per year; or in certain circumstances described below the caseload may be adjusted to no more than 400 cases, depending upon:

The caseload distribution between simple misdemeanors and complex misdemeanors; or

Jurisdictional policies such as post-filing diversion and opportunity to negotiate resolution of large number of cases as non-criminal violations;

Other court administrative procedures that permit a defense lawyer to handle more cases; or

250 Juvenile Offender cases per attorney per year; or

80 open Juvenile Dependency cases per attorney; or

250 Civil Commitment cases per attorney per year; or

1 Active Death Penalty trial court cases at a time plus a limited number of non death penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of Standard 3.2 *supra*; or

36 Appeals to an appellate court hearing a case on the record and briefs per attorney per year. *(The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.)*

Full time Rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full time attorneys.

5. Case Counting: The local government entity responsible for employing, contracting with or appointing public defense attorneys should adopt and publish written policies and procedures to implement a numerical case-weighting system to count cases. If such policies and procedures are not adopted and published, it is presumed that attorneys are not engaging in case weighting. A numerical case weighting system must:

1. recognize the greater or lesser workload required for cases compared to an average case based on a method that adequately assesses and documents the workload involved;

2. be consistent with these Standards, professional performance guidelines, and the Rules of Professional Conduct;

3. not institutionalize systems or practices that fail to allow adequate attorney time for quality representation; and

4. be periodically reviewed and updated to reflect current workloads; and

5. be filed with the State of Washington Office of Public Defense.

Cases should be assessed by the workload required. Cases and types of cases should be weighted accordingly. Cases which are complex, serious, or contribute more significantly to attorney workload than average cases should be weighted upwards. In addition, a case weighting system should consider factors that might justify a case weight of less than one case.

Notwithstanding any case weighting system, resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case.

6. Case Weighting: The following are some examples of situations where case weighting might result in representations being weighted as more or less than one case. The listing of specific examples is not intended to suggest or imply that representations in such situations should or must be weighted at more or less than one case, only that they may be, if established by an appropriately adopted case weighting system.

A. Case Weighting Upwards: Serious offenses or complex cases that demand more-than-average investigation, legal research, writing, use of experts, use of social workers and/or expenditures of time and resources should be weighted upwards and counted as more than one case.

B. Case Weighting Downward: Listed below are some specific examples of situations where case weighting might justify representations being weighted less than one case. However, care must be taken because many such representations routinely involve significant work and effort and should be weighted at a full case or more.

1. Cases that result in partial representations of clients, including client failures to appear and recommencement of proceedings, preliminary appointments in cases in which no charges are filed, appearances of retained counsel, withdrawals or transfers for any reason, or limited appearances for a specific purpose (not including representations of multiple cases on routine dockets).

2. Cases in the criminal or offender case type that do not involve filing of new criminal charges, including sentence violations, extraditions, representations of material witnesses, and other matters or representations of clients that do not involve new criminal charges. Non-complex sentence violations should be weighted as at least 1/3 of a case.

3. Cases in specialty or therapeutic courts if the attorney is not responsible for defending the client against the underlying charges before or after the client's participation in the specialty or therapeutic court. However, case weighting must recognize that numerous hearings and extended monitoring of client cases in such courts significantly contribute to attorney workload and in many instances such cases may warrant allocation of full case weight or more.

4. Cases on a criminal or offender first appearance or arraignment docket where the attorney is designated, appointed or contracted to represent groups of clients on that docket without an expectation of further or continuing representation and which are not resolved at that time (except by dismissal). In such circumstances, consideration should be given to adjusting the caseload limits appropriately, recog-

nizing that case weighting must reflect that attorney workload includes the time needed for appropriate client contact and preparation as well as the appearance time spent on such dockets.

5. Representation of a person in a court of limited jurisdiction on a charge which, as a matter of regular practice in the court where the case is pending, can be and is resolved at an early stage of the proceeding by a diversion, reduction to an infraction, stipulation on continuance, or other alternative non-criminal disposition that does not involve a finding of guilt. Such cases should be weighted as at least 1/3 of a case.

Related Standards

American Bar Association, *Standards for Criminal Justice*, 4-1.2, 5-4.3.

American Bar Association *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases*. [\[Link\]](#)

American Bar Association, *Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation*, May 13, 2006, *Formal Opinion 06-441*. [\[Link\]](#)

The American Council of Chief Defenders *Statement on Caseloads and Workloads*, (2007). [\[Link\]](#)

American Bar Association *Eight Guidelines of Public Defense Related to Excessive Caseloads*. [\[Link\]](#)

National Advisory Commission on Criminal Standards and Goals, *Task Force on Courts*, 1973, Standard 13.12.

American Bar Association *Disciplinary Rule 6-101*.

American Bar Association *Ten Principles of a Public Defense Delivery System*. [\[Link\]](#)

ABA Standards of Practice for Lawyers who Represent Children in Abuse & Neglect Cases, (1996) American Bar Association, Chicago, IL.

The American Council of Chief Defenders *Ethical Opinion 03-01* (2003).

National Legal Aid and Defender Association, *Standards for Defender Services*, Standards IV-I.

National Legal Aid and Defender Association, *Model Contract for Public Defense Services* (2002). [\[Link\]](#)

NACC *Recommendations for Representation of Children in Abuse and Neglect Cases* (2001). [\[Link\]](#)

City of Seattle Ordinance Number: 121501 (2004). [\[Link\]](#)

Seattle-King County Bar Association *Indigent Defense Services Task Force*, Guideline Number 1.

Washington State Office of Public Defense, *Parents Representation Program Standards Of Representation* (2009). [\[Link\]](#)

Keeping Defender Workloads Manageable, Bureau of Justice Assistance, U.S. Department of Justice, *Indigent Defense Series #4* (Spangenberg Group, 2001). [\[Link\]](#)

Standard 14

1. Trial attorneys' qualifications according to severity or type of case¹:

Death Penalty Representation. Each attorney acting as lead counsel in a criminal case in which the death penalty has been or may be decreed ~~death penalty case or an aggravated homicide case~~ and in which the decision to seek the death penalty has not yet been made shall meet the following requirements:

- i. The minimum requirements set forth in Section 1; and
- ii. At least five years criminal trial experience; and

iii. Have prior experience as lead counsel in no fewer than nine jury trials of serious and complex cases which were tried to completion; and

iv. Have served as lead or co-counsel in at least one ~~aggravated homicide case jury trial in which the death penalty was considered sought~~; and

v. Have experience in preparation of mitigation packages in aggravated homicide or persistent offender cases; and

vi. Have completed at least one death penalty defense seminar within the previous two years; and

vii. Meet the requirements of SPRC 2.²

¹ Attorneys working toward qualification for a particular category of cases under this standard may associate with lead counsel who is qualified under this standard for that category of cases.

² SPRC 2 APPOINTMENT OF COUNSEL

At least two lawyers shall be appointed for the trial and also for the direct appeal. The trial court shall retain responsibility for appointing counsel for trial. The Supreme Court shall appoint counsel for the direct appeal. Notwithstanding RAP 15.2 (f) and (h), the Supreme Court will determine all motions to withdraw as counsel on appeal.

A list of attorneys who meet the requirements of proficiency and experience, and who have demonstrated that they are learned in the law of capital punishment by virtue of training or experience, and thus are qualified for appointment in death penalty trials and for appeals will be recruited and maintained by a panel created by the Supreme Court. All counsel for trial and appeal must have demonstrated the proficiency and commitment to quality representation which is appropriate to a capital case. Both counsel at trial must have five years' experience in the practice of criminal law be familiar with and experienced in the utilization of expert witnesses and evidence, and not be presently serving as appointed counsel in another active trial level death penalty case. One counsel must be, and both may be, qualified for appointment in capital trials on the list, unless circumstances exist such that it is in the defendant's interest to appoint otherwise qualified counsel learned in the law of capital punishment by virtue of training or experience. The trial court shall make findings of fact if good cause is found for not appointing list counsel.

At least one counsel on appeal must have three years' experience in the field of criminal appellate law and be learned in the law of capital punishment by virtue of training or experience. In appointing counsel on appeal, the Supreme Court will consider the list, but will have the final discretion in the appointment of counsel. [\[Link\]](#)

CERTIFICATION OF COMPLIANCE

"Applicable Standards" required by CrR 3.1/CrRLJ 3.1/JuCR 9.2

For criminal and juvenile offender cases, a signed certification of compliance with Applicable Standards must be filed by an appointed attorney either (1) in the attorney's written notice of appearance or (2) by separate written certification.

The certification must be in substantially the following form:

NOTICE OF APPEARANCE FORM

I am familiar with the applicable Standards adopted by the Supreme Court for attorneys appointed to represent indigent person and certify that: (1) I meet the attorney qualifications required for this case, (2) I comply with Standards 5.2 and 6.1, and (3) I will manage my caseload to allow each client the time and effort necessary to ensure effective representation.

[Effective 1/1/13: I will not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time

spent for indigent defense is less than full time, and taking into account the case counting and weighting system applicable in the jurisdiction.]

SEPARATE CERTIFICATION FORM
(See next page)

Table with 2 columns: Court of Washington for State of Washington Plaintiff vs Defendant; No: Certification of Appointed Counsel of Compliance with Standards Required by CrR 3.1/CrRLJ 3.1/JuCR 9.2

Nature of the Charge(s) (most severe):
The undersigned attorney hereby certifies:
1. Approximately % of my total practice time is devoted to indigent defense cases.
2. I am familiar with the applicable Standards adopted by the Supreme Court for attorneys appointed to represent indigent persons and that:

- a. Basic Qualifications: I meet the minimum basic professional qualifications in Standard 14(1).
b. Case Specific Qualification: As lead attorney in the above case I meet the minimum qualifications in Standard 14 for representation of the defendant on the charge(s) filed.
c. Office: I have an office for private conferences with clients, mail, and telephone services that comply with Standard 5.2.
d. Investigators: I have investigators available to me and will comply with Standard 6.1.
e. Caseload: I will comply with Standard 3.2 during representation of the defendant in this case. [Effective 1/1/13: I will not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time spent for indigent defense is less than full time, and taking into account the case counting and weighting system applicable in my jurisdiction.]

Defendant's Lawyer, WSBA# Date

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 11-24-008
RULES OF COURT
STATE SUPREME COURT
[November 22, 2011]

IN THE MATTER OF THE ADOPTION OF) ORDER
THE AMENDMENTS TO CrR 4.6-DEPOSI-) NO. 25700-A-993
TIONS)

The Superior Court Judges' Association having recommended the adoption of the proposed amendments to CrR 4.6-Depositions, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2012.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2012. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 22nd day of November, 2011.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendment
SUPERIOR COURT CRIMINAL RULES (CrR)
Rule 4.6: Depositions
Submitted by the Superior Court Judges Association

Purpose: The ability to obtain a deposition in a criminal case in Washington courts is more limited than in other jurisdictions.1 The current rule only allows depositions where it appears that a prospective witness will be unavailable at trial or if the witness "refuses to discuss the case with either counsel." CrR 4.6(a). The Court of Appeals strictly construed this language in a recent case, holding the trial court erred in ordering the depositions of police officer witnesses who refused to allow defense counsel to tape record their pretrial interviews. State v. Mankin, 158 Wn. App. 111, 124-25, 241 P.3d 421 (2010). The Mankin court stated that, under CrR 4.6(a), refusing to participate in a taped interview does not constitute a refusal to discuss the case with counsel. Id. at 121.

It is submitted that CrR 4.6 should be amended to allow use of depositions for purposes of discovery and/or potential impeachment, giving the trial judge broader discretion to allow or disallow a deposition based on the

particular circumstances of each case. These changes would provide some flexibility for taking depositions in a less costly fashion than is presently the case.

At this time, there is no request to amend the comparable rule for courts of limited jurisdiction.

¹ See generally Rules of Criminal Procedure - Florida (Rule 3.220 (h)(1), Massachusetts (Rule 35), North Dakota (Rule 15), New Hampshire (Rule 13); Texas Code of Criminal Procedure (Article 39.02).

RULE 4.6 DEPOSITIONS

(a) When Taken. ~~Upon a showing~~ (1) If the court finds that a prospective witness may be unable to attend or prevented from attending a trial or hearing or (2) if a witness refuses to discuss the case with either counsel and ~~that his~~ the testimony of the witness is material ~~and that it is necessary or~~ (3) if there is good cause shown to take ~~his~~ the deposition of a witness ~~in order to prevent a failure of justice,~~ the court ~~may~~ order a deposition. The court at any time after the ~~filing of an indictment or information arraignment~~ may upon motion of a party and notice to the parties order that ~~his~~ the testimony of the witness be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place. The parties may agree or the court may order that the deposition be made by videotape, audiotape or digital recording in lieu of or in addition to a stenographic record. If the court orders a videotape, audiotape or digital recording, the party who sought the deposition shall provide a copy of the recording to all other parties and to the witness at the moving party's expense. If any party prepares a transcript of the recording, a copy of the transcript shall be provided to all other parties and to the witness at the transcribing party's expense. A witness who is sought to be deposed, or a party, may seek a protective order per CR 26(c); a party to the criminal case may seek a protective order at the request of the witness.

[No change to (b) - (e)]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 11-24-009

**NOTICE OF PUBLIC MEETINGS
COLUMBIA BASIN COLLEGE**

[Filed November 28, 2011, 10:26 a.m.]

The Columbia Basin College board of trustees will have a workshop on governance on December 5, 2011. It will begin at 5:00 p.m. and will be held at the Pasco CBC Board Room.

If you have any questions, please contact Lupe Perez at (509) 542-4802.

WSR 11-24-010

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Home Inspector Licensing Advisory Board)**
[Filed November 28, 2011, 2:59 p.m.]

The home inspector licensing advisory board has chosen to cancel the board meeting scheduled for December 13, 2011.

The agenda items for this meeting will be addressed at the next board meeting which will take place in March 2012.

The department of licensing has a policy of providing equal access to its services. If you need special accommodation, please contact (360) 664-6524 or TTY (360) 664-0116.

WSR 11-24-013

**NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD**
[Filed November 29, 2011, 8:57 a.m.]

The Washington state clemency and pardons board hereby gives notice that its quarterly hearing scheduled for December 9, 2011, at 10:00 a.m., will be held in the Columbia Room of the Washington State Capitol Building, Olympia, Washington. The following petitions will be considered by the board¹:

<u>Petitioner:</u>	<u>Relief Requested:</u>
John Stewart	Commutation
Dirk VanVelzen	Commutation
Anthony Brown	Pardon
Christopher Craig	Pardon
Vivian Heller	Pardon
Kevin Pilo	Pardon
Timo Toristoja	Pardon

¹ At the board's discretion, the order of the petitions to be called for hearing is subject to change.

WSR 11-24-014

**NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE**

[Filed November 29, 2011, 10:34 a.m.]

Pursuant to RCW 42.30.075, the regular meeting of the board of trustees of Olympic College (OC), District Three, will be held on the third Tuesday of the month, beginning at 5:00 p.m. in Humanities Student Services Building, Room 119/121, Olympic College Campus, 1625 Chester Avenue, Bremerton, WA. The board will meet on the following dates for calendar year 2012:

- January 17, 2012
- February 21, 2012
- March 20, 2012

April 17, 2012 (held annually at the OC Poulsbo Campus, 1000 Olympic College Place N.W., Poulsbo, WA)
 May 15, 2012
 June 19, 2012
 No meeting in July
 August 21, 2012 (held annually at the OC Shelton Campus, 937 Alpine Way, Shelton, WA)
 September 18, 2012
 October 16, 2012
 November 20, 2012
 No meeting in December

In the event it is necessary to change any of these meeting dates, the appropriate notification will take place.

WSR 11-24-015
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY

(Agricultural Burning Practices and Research Task Force)
 [Filed November 29, 2011, 10:34 a.m.]

Following is the schedule of regular meetings for the agricultural burning practices and research task force for 2012:

Date	Time	Location
Tuesday, February 7, 2012	10 a.m. - 4 p.m.	Washington Department of Ecology Eastern Regional Office 4601 North Monroe Street Spokane, WA
Tuesday, June 12, 2012	10 a.m. - 4 p.m.	Washington Department of Ecology Eastern Regional Office 4601 North Monroe Street Spokane, WA
Tuesday, November 13, 2012	10 a.m. - 4 p.m.	Washington Department of Ecology Eastern Regional Office 4601 North Monroe Street Spokane, WA

If you need further information contact Paul Rossow, Washington Department of Ecology, 4601 North Monroe Street, Spokane, WA 99205-1295, (509) 329-3574, fax (509) 329-3574 [329-3529], paul.rossow@ecy.wa.gov, http://www.ecy.wa.gov/programs/air/aginfo/agricultural_home page.htm.

WSR 11-24-016
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH

(Board of Physical Therapy)
 [Filed November 29, 2011, 10:56 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act

(chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of physical therapy, for the year 2012. The board of physical therapy meetings are open to the public, and access for persons with disabilities may be arranged with advance notice, please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of physical therapy reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 30, 2012	10:00 a.m.	Kent
March 19, 2012	10:00 a.m.	Kent
May 21, 2012	10:00 a.m.	Kent
July 23, 2012	10:00 a.m.	Kent
September 24, 2012	10:00 a.m.	Kent
December 3, 2012	10:00 a.m.	Kent

If you need further information, please contact Kris Waidely, Program Manager, Board of Physical Therapy, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4847, (360) 236-2901, kris.waidely@doh.wa.gov, www.doh.wa.gov.

Please be advised the board of physical therapy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 11-24-017
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE

[Filed November 29, 2011, 11:43 a.m.]

Following is the schedule of meetings for the board of trustees of Walla Walla Community College, District 20, for the calendar year 2012. All meetings will be held in the board room on the Walla Walla Community College campus, unless otherwise noted.

Date	Time	Location
January 18	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
February 15	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
March 21	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
April 18	10:00 a.m.	WWCC Clarkston Campus 1470 Bridge Street Clarkston, WA
May 16	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA

Date	Time	Location
June 27	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
July 18*	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
August 15*	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
September 19	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
October 17	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
November 14	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
December 19	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA

*Optional meetings

If you need further information, contact Jerri Ramsey, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA 99362, phone (509) 527-4274, fax (509) 527-4249, e-mail jerri.ramsey@wwcc.edu.

Old WAC Number	New WAC Number
388-475-0750	182-512-0750
388-475-0800	182-512-0800
388-475-0820	182-512-0820
388-475-0840	182-512-0840
388-475-0860	182-512-0860
388-475-0880	182-512-0880
388-475-0900	182-512-0900
388-475-0920	182-512-0920
388-475-0940	182-512-0940
388-475-0960	182-512-0960
388-475-1000	182-511-1000
388-475-1050	182-511-1050
388-475-1100	182-511-1100
388-475-1150	182-511-1150
388-475-1200	182-511-1200
388-475-1250	182-511-1250

November 28, 2011

Doug Porter

Director

**WSR 11-24-018
HEALTH CARE AUTHORITY**

[Filed November 29, 2011, 1:27 p.m.]

I am requesting that the code reviser recodify the following chapter and sections of the Washington Administrative Code (WAC) from Title 388 WAC to Title 182 WAC effective December 1, 2011:

Old WAC Number	New WAC Number
388-408-0055	182-506-0010
388-416-0015	182-504-0015
388-416-0020	182-504-0020
388-416-0035	182-504-0025
388-475-0050	182-512-0050
388-475-0100	182-512-0100
388-475-0150	182-512-0150
388-475-0200	182-512-0200
388-475-0250	182-512-0250
388-475-0300	182-512-0300
388-475-0350	182-512-0350
388-475-0400	182-512-0400
388-475-0450	182-512-0450
388-475-0500	182-512-0500
388-475-0550	182-512-0550
388-475-0600	182-512-0600
388-475-0650	182-512-0650
388-475-0700	182-512-0700

WSR 11-24-020

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Board of Naturopathy)

[Filed November 29, 2011, 2:37 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of naturopathy, for the year 2012. The board of naturopathy meetings are open to the public and access for persons with disabilities may be arranged with advance notice, please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of naturopathy reserves the right to change or amend agendas at the meeting.

Date	Time	Locations
February 17, 2012	8:30 a.m.	Department of Health Kent, videoconferencing with the department's Spokane office
May 18, 2012	8:30 a.m.	Department of Health Kent, videoconferencing with the department's Spokane office

Date	Time	Locations
August 17, 2012	8:30 a.m.	Department of Health Kent, videoconferencing with the department's Spokane office
November 16, 2012	8:30 a.m.	Department of Health Kent, videoconferencing with the department's Spokane office

Primary Meeting Site: Department of Health, 20435 72nd Avenue South, Suite 200, Kent, WA 98032.

Secondary Meeting Site: Department of Health, 16201 East Indiana Avenue, Room 112, Spokane WA 99216.

If you need further information, please contact Susan Gragg, Program Manager, Washington Department of Health, Board of Naturopathy, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2901, e-mail susan.gragg@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of naturopathy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 11-24-023
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION

[Filed December 1, 2011, 8:41 a.m.]

Following is a special meeting the commissioners will attend on December 19, 2011, at 10 a.m., at the Washington State Human Rights Commission, 711 South Capitol Way, Suite 402, Olympia, WA 98504.

WSR 11-24-024
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Filed December 1, 2011, 9:15 a.m.]

The **regularly scheduled** meeting of the board of trustees of Bellingham Technical College will be held on Thursday, December 15, 2011, from 9:00 - 12:00 p.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 11-24-029

NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
COORDINATING BOARD

[Filed December 1, 2011, 10:51 a.m.]

In accordance with RCW 28B.80.420, 42.30.075, and WAC 250-10-070, the higher education coordinating board approved the enclosed board meeting calendar for 2012 at its regular meeting on November 17, 2011. Public notice is given before each meeting, including changes in date, time and venue.

If anyone wishes to request disability accommodations, notice should be given to the higher education coordinating board at least ten days in advance of the meeting in question. Notice must be given by phone (360) 753-7800 or by fax (360) 753-7808.

PROPOSED 2012 MEETING CALENDAR

DATE	LOCATION
January 26 Thursday 9:00 - 4:00	Olympia tbd
February 29 Wednesday 9:00 - 4:00	Olympia tbd
March 29 Thursday 9:00 - 4:00	South Puget Sound Community College <i>confirmed</i>
April 26 Thursday 9:00 - 4:00	Olympic College <i>confirmed</i>
May 31 Thursday 9:00 - 4:00	WSU Tri-Cities <i>confirmed</i>
June 28 Thursday 9:00 - 4:00	Cherberg Building SHR 4 Capitol Campus <i>confirmed</i>

WSR 11-24-030
NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD

[Filed December 1, 2011, 10:52 a.m.]

The following is the executive ethics board meeting schedule for the year 2012. The executive ethics board will hold regular monthly meetings on the second Friday of each month with the exception of August and December, when no meetings are scheduled, or indicated otherwise. All meetings will begin at 9:00 a.m. and be held at 2425 Bristol Court S.W., 1st Floor, Conference Room 148, Olympia, WA.

Meeting dates for 2012 are:

January 13

February - no meeting

March 9
 April - no meeting
 May 11
 June - no meeting
 July 13
 August - no meeting
 September 14
 October - no meeting
 November 9
 December - no meeting

June 28, 2012
 9:30 a.m.

July 26, 2012
 9:30 a.m.

August 23, 2012
 9:30 a.m.

September 27, 2012
 9:30 a.m.

October 25, 2012
 9:30 a.m.

November 15, 2012
 9:30 a.m.

December 20, 2012
 9:30 a.m.

Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504

Meeting agendas and other information may be accessed five to seven days prior to the meeting at <http://www.ethics.wa.gov>.

For additional information or reasonable accommodations to attend meetings, please contact board staff at (360) 664-0871. Reasonable accommodation requests should be made at least ten working days prior to the scheduled meeting date.

WSR 11-24-032

**NOTICE OF PUBLIC MEETINGS
 HUMAN RIGHTS COMMISSION**

[Filed December 1, 2011, 1:57 p.m.]

2012 Commission Meeting Dates

January 26, 2012
 9:30 a.m. Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 February 23, 2012
 9:30 a.m. Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 March 22, 2012
 9:30 a.m. Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 April 26, 2012
 9:30 a.m. Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504
 May 24, 2012
 9:30 a.m. Washington State Human Rights Commission
 711 South Capitol Way
 Suite 402
 Olympia, WA 98504

WSR 11-24-039

**NOTICE OF PUBLIC MEETINGS
 DEPARTMENT OF
 NATURAL RESOURCES**

(Board of Natural Resources)
 [Filed December 2, 2011, 11:11 a.m.]

2012 MEETING DATES

Below is the schedule for the board of natural resources meetings for 2012. The meetings take place in Olympia at the Natural Resources Building in Room 172. Meetings begin at 9:00 a.m., but ending times will be determined as agendas are developed.

If you have any questions, please call the board coordinator at (360) 902-1103 or e-mail at bnr@dnr.wa.gov.

January 3, 2012
 February 7, 2012

March 6, 2012
 April 3, 2012
 May 1, 2012
 June 5, 2012
 July 3, 2012
 August (Board Retreat TBD)
 September 4, 2012
 October 2, 2012
 November 6, 2012
 December 4, 2012

WSR 11-24-040

**NOTICE OF PUBLIC MEETINGS
 DEPARTMENT OF
 ENTERPRISE SERVICES
 (State Capitol Committee)**
 [Filed December 2, 2011, 11:11 a.m.]

The state capitol committee (SCC) meeting scheduled for Thursday, December 15, 2011, has been canceled.

The next SCC meeting is schedule[d] for Thursday, March 29, 2012, at 10:00 a.m. to 12:00 p.m., at the Department of Enterprise Services, 1500 Jefferson Building, Room 2208, 1500 Jefferson Street S.E., Olympia, WA 98504.

If you have questions please contact Terrie Glave at (360) 407-9330.

WSR 11-24-041

**NOTICE OF PUBLIC MEETINGS
 WASHINGTON MATERIALS MANAGEMENT
 AND FINANCING AUTHORITY**
 [Filed December 2, 2011, 11:15 a.m.]

The Washington materials management and financing authority would like to publish the schedule for regularly held board meetings for calendar year 2012 going forward. All regular meetings of the board of directors of the authority will be held on the third Thursday of every **other** month beginning in January. Therefore, regular meetings will be held:

2012
 January 19
 March 15
 May 17
 July 19
 September 20
 November 15

All meetings are held at 9:30 a.m. at the offices of Van Ness Feldman, 719 Second Avenue, Suite 1150, Seattle, WA 98104.

WSR 11-24-042

DEPARTMENT OF TRANSPORTATION
 [Filed December 2, 2011, 2:20 p.m.]

Following is the certification letter as required by RCW 47.56.795 signed by the secretary of transportation.

The effective date for this filing will be December 3, 2011, at 12:00 a.m.

The affected rules are in chapters 468-270 and 468-305 WAC. The following CR-103P forms were filed with the code reviser's office and are also being affected by this certification letter: WSR 11-04-007 filed on January 20, 2011; WSR 11-04-070 filed on January 28, 2011; and WSR 11-07-039 filed on March 14, 2011.

December 2, 2011

Based on extensive end-to-end system testing by WSDOT, assurances from the system vendor, and advice from the Tolling Expert Review Panel and external consultants, I certify the new statewide tolling operations center and photo toll system. I acknowledge that adjustments may be necessary during system stabilization.

 Paula J. Hammond P.E.
 Secretary of Transportation

WSR 11-24-044

**NOTICE OF PUBLIC MEETINGS
 RECREATION AND CONSERVATION
 OFFICE
 (Habitat and Recreation Lands Coordinating Group)**
 [Filed December 2, 2011, 3:12 p.m.]

The habitat and recreation lands coordinating group (lands group) will hold regular quarterly meetings in 2012 as follows:

Date	Time	Location
January 25, 2012	9:00 a.m.- 12:00 p.m.	Natural Resources Building Room 172 Capitol Campus Olympia
April 25, 2012	9:00 a.m.- 12:00 p.m.	Natural Resources Building Room 172 Capitol Campus Olympia
July 25, 2012	9:00 a.m.- 12:00 p.m.	Natural Resources Building Room 172 Capitol Campus Olympia
October 31, 2012	9:00 a.m.- 12:00 p.m.	Natural Resources Building Room 172 Capitol Campus Olympia

The lands group will host the fourth annual state land acquisition coordinating forum on Tuesday, March 13, 2012, beginning at 9:00 a.m. and ending at 4:00 p.m. The meeting

will be held in Room 172 of the Natural Resources Building on the capitol campus in Olympia, Washington.

The annual state land acquisition coordinating forum brings together state agencies, local governments, nongovernment organizations, landowners, tribes and citizens to learn about and share ideas on proposals for state conservation and recreation land purchases.

For further information, please contact Dominga Soliz, dominga.soliz@rco.wa.gov, (360) 725-3937. Information about the habitat and recreation lands coordinating group is available on-line at <http://www.rco.wa.gov/boards/hrlcg.shtml>.

WSR 11-24-045
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Pharmacy and Therapeutics Committee)
[Filed December 2, 2011, 4:07 p.m.]

Contact Regina Chacon, program coordinator, (206) 521-2027, regina.chacon@hca.wa.gov.

2012 Meeting Schedule

February 15, 2012	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
April 18, 2012	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
June 20, 2012	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
August 15, 2012	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
October 17, 2012	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
December 19, 2012	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158

WSR 11-24-046
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
[Filed December 2, 2011, 4:40 p.m.]

The commission on judicial conduct will hold its 2012 business meetings at 11:00 a.m. on the following dates at the Radisson Gateway Hotel, 18118 International Boulevard, SeaTac, WA 98188.

- February 10, 2012
- May 4, 2012
- July 13, 2012
- October 5, 2012
- December 14, 2012

WSR 11-24-049
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD
[Filed December 5, 2011, 9:02 a.m.]

Meeting Schedule 2012

The meeting schedule of the Washington state noxious weed control board for January - December 2012 is as follows:

- Washington State Noxious Weed Control Board Meeting
January 23, 2012
9:00 a.m.
Natural Resources Building
Room 172 A+B
1111 Washington Street S.E.
Olympia, WA 98504
- Washington State Noxious Weed Control Board Meeting
March 12, 2012
9:00 a.m.
Teleconference via GoToWebinar
- Washington State Noxious Weed Control Board Meeting
May 14, 2012
Teleconference via GoToWebinar
- Washington State Noxious Weed Control Board Meeting
July 9, 2012
9:00 a.m.
Teleconference via GoToWebinar
- Washington State Noxious Weed Control Board Meeting
September 10, 2012
9:00 a.m.
Teleconference via GoToWebinar

Noxious Weed List Public Hearing
 Tuesday, November 6, 2012
 1:00 p.m. - 3:00 p.m.
 Yakima City Hall
 129 North Second Street
 Yakima, WA 98901

Washington State Noxious Weed Control Board Meeting
 Wednesday, November 7, 2012
 9:00 a.m.
 Yakima City Hall
 129 North Second Street
 Yakima, WA 98901

WSR 11-24-050
NOTICE OF PUBLIC MEETINGS
HOP COMMISSION

[Filed December 5, 2011, 10:18 a.m.]

2012 Regular Meeting Schedule

The Washington hop commission has scheduled its 2012 regular meetings, as follows. This information is being filed as required by RCW 42.30.075:

- Tuesday, February 14, 2012 Sunnyside
- Tuesday, April 10, 2012 Sunnyside
- Tuesday, June 26, 2012 Prosser
- Tuesday, October 16, 2012 Sunnyside

Interested individuals may contact the Washington hop commission at (509) 453-4749 prior to each scheduled date for the specific time and location of each meeting.

WSR 11-24-051
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Filed December 5, 2011, 10:51 a.m.]

The board of trustees for Community College District 4, Skagit Valley College, has canceled the meeting scheduled for December 13, 2011.

Should you have questions, please contact Lisa Radeleff, at (360) 416-7995, lisa.radeleff@skagit.edu.

WSR 11-24-052
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Osteopathic Medicine and Surgery)

[Filed December 5, 2011, 11:37 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of osteo-

pathic medicine and surgery, for the year 2012. The board of osteopathic medicine and surgery meetings are open to the public and access for persons with disabilities may be arranged with advance notice, please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of osteopathic medicine and surgery reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 20, 2012	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003
March 16, 2012	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003
May 18, 2012	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003
July 20, 2012	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003
September 21, 2012	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003
November 16, 2012	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003

If you need further information, please contact Erin Obenland, Health Service Consultant 3, Washington Department of Health, Board of Osteopathic Medicine and Surgery, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4945, fax (360) 236-2901, e-mail erin.obenland@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of osteopathic medicine and surgery is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 11-24-053
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Podiatric Medical Board)

[Filed December 5, 2011, 11:38 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, podiatric medical board, for the year 2012. The podiatric medical board meetings are open to the public and access for persons with disabilities may be arranged with advance notice, please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the podiatric medical board reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 12, 2012	9:00 a.m.	Blackriver Training Conference Center 800 Oakesdale Avenue S.W. Renton, WA 98057
April 12, 2012	9:00 a.m.	Blackriver Training Conference Center 800 Oakesdale Avenue S.W. Renton, WA 98057
July 12, 2012	9:00 a.m.	Teleconference
October 12, 2012	9:00 a.m.	Blackriver Training Conference Center 800 Oakesdale Avenue S.W. Renton, WA 98057

If you need further information, please contact Erin Obenland, Health Service Consultant 3, Washington Department of Health, Podiatric Medical Board, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4945, fax (360) 236-2901, e-mail erin.obenland@doh.wa.gov, web www.doh.wa.gov.

Please be advised the podiatric medical board is required to comply with the public disclosure act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 11-24-054
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed December 5, 2011, 1:13 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of pharmacy, for the year 2012. The board of pharmacy meetings are open to the public and access for persons with disabilities may be arranged with advance notice, please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of pharmacy reserves the right to change or amend agendas at the meetings.

Date	Time	Location
January 26, 2012	9:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501

Date	Time	Location
March 8, 2012	9:00 a.m.	Highline Community College 2400 South 240th Street Des Moines, WA 98198
April 19, 2012	9:00 a.m.	Highline Community College 2400 South 240th Street Des Moines, WA 98198
June 7, 2012	9:00 a.m.	Highline Community College 2400 South 240th Street Des Moines, WA 98198
August 16, 2012	9:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
September 27, 2012	9:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
November 8, 2012	9:00 a.m.	Highline Community College 2400 South 240th Street Des Moines, WA 98198

If you need further information contact Doreen E. Beebe, Health Services Consultant 3, Washington Department of Health, Board of Pharmacy, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4634, fax (360) 236-2901, e-mail Doreen.Beebe@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of pharmacy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 11-24-055
INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY
 [Filed December 5, 2011, 1:58 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-66 Prescription Drug Program - Maximum Allowable Cost Update.

Effective Date: December 1, 2011.

Description: Effective for dates of service on and after December 1, 2011, the health care authority will implement the following changes to the prescription drug program:

1. New additions to the maximum allowable cost (MAC) list.
2. MAC adjustments.
3. MAC deletions.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-

1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-056

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed December 5, 2011, 2:38 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of pharmacy, for the year 2012. The board of pharmacy meetings are open to the public and access for persons with disabilities may be arranged with advance notice, please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of pharmacy reserves the right to change or amend agendas at the meetings.

Date	Time	Location
January 26, 2012	9:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
March 8, 2012	9:00 a.m.	Highline Community College 2400 South 240th Street Des Moines, WA 98198
April 19, 2012	9:00 a.m.	Highline Community College 2400 South 240th Street Des Moines, WA 98198
June 7, 2012	9:00 a.m.	Highline Community College 2400 South 240th Street Des Moines, WA 98198
August 16, 2012	9:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
September 27, 2012	9:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
November 8, 2012	9:00 a.m.	Highline Community College 2400 South 240th Street Des Moines, WA 98198

If you need further information contact Doreen E. Beebe, Health Services Consultant 3, Washington Department of Health, Board of Pharmacy, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4834, fax (360) 236-2901, e-mail Doreen.Beebe@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of pharmacy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 11-24-065

**NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Filed December 6, 2011, 10:51 a.m.]

The workforce training and education coordinating board will conduct a special board meeting on December 21, 2011, at 10 a.m. in the workforce board's main conference room to take action on the proposed recommendations to the governor for the next five-year state WIA and Wagner-Peyser Plan.

Please feel free to contact Julie Anderson, (360) 753-5677 or janderson@wtb.wa.gov, if you have any questions.

WSR 11-24-066

**NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD**

[Filed December 6, 2011, 12:14 p.m.]

The meeting schedule of the Washington state noxious weed control board for January 2012 has been changed to January 23, 2012, at 9:00 a.m., at the Natural Resources Building, Room 259, 1111 Washington Street S.E., Olympia, WA 98504. Teleconference/on-line option available. Please contact WDesCamp@agr.wa.gov for more information.

WSR 11-24-074

HEALTH CARE AUTHORITY

[Filed December 6, 2011, 3:32 p.m.]

NOTICE

Title or Subject: Title XIX Medicaid State Plan Amendment 12-001.

Effective Date: February 2012.

Description: The medicaid agency proposes to create a graduate medical education (GME) payment program for certain healthy options and fee-for-service medicaid professional services, to support healthcare workforce training. Professional services eligible for GME payments will not be eligible for medicaid PSSP payments. The GME payments will be calculated using an average commercial rate and will increase medicaid expenditures by \$20 million annually. Copies of the amendment are available from the person named below.

For additional information, contact Sandy Stith, Office of Hospital Finance, P.O. Box 45500, Olympia, WA 98504, phone (360) 725-1949, TDD/TTY 1-800-848-5429, fax (360) 753-9152, e-mail sandy.stith@dshs.wa.gov.

WSR 11-24-075**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:31 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-59 Ambulatory Surgery Centers (ASC): Pilot Project Code Implementation.

Effective Date: January 1, 2012.

Description: **The medicaid program of the health care authority (the agency)** will publish a temporary fee schedule for pilot project procedure codes on November 4, 2011. The temporary fee schedule is only for informational purposes and available for viewing only until January 1, 2012.

Effective for dates of service on and after January 1, 2012, the medicaid program of the agency intends to:

- Implement a pilot project for ambulatory surgery centers (ASC) payment.
- Publish a consolidated fee schedule to use during the pilot project.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-076**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:32 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-64 Blood Bank Services: Fee Schedule and Coverage Table Updates.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, the medicaid program of the health care authority intends to:

- Begin using the year 2012 current procedural terminology (CPT®) and healthcare common procedural coding system (HCPCS) level II and modifiers; and
- Update the blood bank services fee schedule and coverage table to reflect changes within this memo.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-077**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:32 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-65 Medicaid Prescription Drug Program.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, the medicaid program of the health care authority (the agency) intends to require submission of all pharmacy point-of-sale (POS) claims be in NCPDP Version D.0 format.

Effective immediately, the agency encourages pharmacies to begin testing NCPDP Version D.0 claim transactions.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-079**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:34 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-68 Neurodevelopmental Centers: Fee Schedule and Coverage Table Updates.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, the health care authority intends to update the coverage section of the DSHS/HRSA *Neurodevelopmental Centers Billing Instructions* with the updated medicare physician fee schedule data base (MPFSDB) year 2010 relative value units (RVUs):

This memo also reminds providers of:

- Previous client eligibility changes effective November 1, 2009;
- Requirements for General assistance—Unemployable clients effective November 1, 2009; and
- The requirement to complete ProviderOne registration.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-080**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:34 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-69 Outpatient Rehabilitation: Fee schedule and Coverage Table Updates.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, the health care authority intends to:

- Update the outpatient rehabilitation fee schedule using the year 2011 current procedural terminology (CPT) and healthcare common procedural coding system (HCPCS) level II code additions and deletions as discussed in this memo; and
- Update the coverage table in the current *Outpatient Rehabilitation Billing Instructions*.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-081**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:35 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-70 Nondurable MSE: Fee Schedule, Coverage Table Updates.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, the health care authority intends to:

- Update the nondurable medical supplies and equipment fee schedule using the year 2012 healthcare common procedural coding system (HCPCS) level II code additions and deletions as discussed in this memo; and
- Update the coverage table in the current *Nondurable Medical Supplies and Equipment (MSE) Billing Instructions*.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-082**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:36 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-72 Ambulatory Surgery Centers (ASC): 2012 Fee Schedule and Policy Updates.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, unless otherwise specified, the medicaid program of the health care authority intends to:

- Add year 2012 current procedural terminology (CPT®) codes and year 2012 health care common procedural coding system (HCPCS) codes to the *ASC Fee Schedule*;
- Delete selected HCPCS codes;
- Update the *ASC Fee Schedule* with new authorization codes; and
- Begin a pilot project for ASC payment.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-083**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:36 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-74 Home Health Services (Acute Care Services): Updated Fee Schedule and Billing Instructions.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, the medicaid program of the health care authority intends to update the:

- Home health services (acute care services) fee schedule; and
- Coverage table in the home health billing instructions.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-084**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:36 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-75 Outpatient Hospital Services: Update Fee Schedule, Implement Coverage changes, High-light Outpatient Prospective Payment System (OPPS) Budget Target Adjuster and Rate Revisions, and Provide Budget Related Change Information.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, the medicaid program of the health care authority intends to:

- Incorporate the year 2012 current procedural terminology (CPT®) and health care common procedural coding system (HCPCS) updates into the outpatient hospital and outpatient prospective payment system (OPPS) fee schedules;
- Implement coverage, authorization, and maximum unit policy changes;
- Update budget target adjuster and OPPS rate information; and
- Provide information for budget related changes for optional healthcare services.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-085**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:37 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-76 Prosthetic and Orthotic Devices: Year 2010 Changes and Additions to HCPCS Codes and Fee Schedule.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, the health care authority intends to:

- Update the *Prosthetic and Orthotic Devices Fee Schedule* using the year 2012 current procedural terminology (CPT®) and healthcare common procedural coding system (HCPCS) level II code additions and deletions as discussed in this memo; and
- Update the coverage table in the current *Prosthetic and Orthotic Devices Billing Instructions*.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-086**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed December 6, 2011, 4:37 p.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-77 Physician-Related Services: Year 2012 Changes and Additions to CPT® and HCPCS Codes, Policies and Fee Schedules.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012, unless otherwise noted**, the medicaid program of the health care authority intends to:

- Update the physician-related services fee schedule to include the new year 2012 codes, fees, and anesthesia base units;
- Update and clarify various policies and payment rates; and
- Update the *Physician-Related Services/Healthcare Professional Services Billing Instructions* with the changes discussed in this memo.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-089**HEALTH CARE AUTHORITY**

[Filed December 7, 2011, 8:57 a.m.]

Amended NOTICE

Title or Subject: Title XIX Medicaid State Plan Amendment 12-001.

Effective Date: January 1, 2012.

Description: The medicaid agency proposes to create a graduate medical education (GME) payment program for certain healthy options and fee-for-service medicaid professional services, to support healthcare workforce training. Professional services eligible for GME payments will not be eligible for medicaid PSSP payments. The GME payments will be calculated using an average commercial rate and will increase medicaid expenditures by \$20 million annually. Copies of the amendment are available from the person named below.

For additional information, contact Sandy Stith, Office of Hospital Finance, P.O. Box 45500, Olympia, WA 98504, phone (360) 725-1949, TDD/TTY 1-800-848-5429, fax (360) 753-9152, e-mail sandy.stith@dshs.wa.gov.

WSR 11-24-092
INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY

[Filed December 7, 2011, 10:33 a.m.]

Notice of Interpretive or Policy Statement

Title or Subject: 11-67 Kidney Center Services: Fee Schedule Changes.

Effective Date: January 1, 2012.

Description: **Effective for dates of service on and after January 1, 2012**, the medicaid program of the health care authority intends to update the kidney center services fee schedule.

For additional information, contact Amber Dassow, Health Care Authority, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 11-24-097
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Filed December 7, 2011, 11:07 a.m.]

The community economic revitalization board (CERB) will be having regularly scheduled meetings on the following dates:

- January 19
- March 15
- May 17
- July 19
- September 20
- November 15

The meetings will begin at 9:00 a.m. Please contact the CERB main line at (360) 725-3150 for additional information.

WSR 11-24-103
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL

[Filed December 7, 2011, 11:42 a.m.]

Public Announcement

One and all are welcome to attend the state independent living council (SILC) meeting.

Date: Friday, January 13, 2012
Time: 10:00 a.m. - 3:00 p.m.
Viewpoint/Tugboat Annies at West Bay Marina
2100 West Bay Drive N.W.
Olympia, WA

ASL interpreters and real time captioning (CART) will be available. For other accommodations request (close

vision, tactile, etc....), please contact Barbara Hathaway by video phone (VP) 1-360-339-7349 or e-mail hathab@dshs.wa.gov or Rob Honan, (360) 725-3695 (V) or 800-624-4105 (V). Concerns or other questions contact Rob Honan, executive director, e-mail honanrw@dshs.wa.gov.

Participants may access the meeting remotely by telephone (voice only): Dial-in Number: (877) 216-1555 Passcode: 815648 OR by CART; please use the following web site to access the CART: <http://www.streamtext.net/text.aspx?event=SILC>.

SILC is appointed by the governor to guide development of and promote access to independent living services for individuals with disabilities statewide. The council works to increase opportunities for self-determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource. We welcome your feedback concerning your experiences and concerns.

WSR 11-24-104
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL

[Filed December 7, 2011, 11:46 a.m.]

Public Announcement

One and all are welcome to attend the state independent living council (SILC) public forum.

Date: Thursday, January 12, 2012
Time: 6:00 p.m. - 8:00 p.m.
Olympia Center, Room A
222 Columbia Street N.W.
Olympia, WA

ASL interpreters and real time captioning (CART) will be available. For other accommodations request (close vision, tactile, etc....), please contact Barbara Hathaway by video phone (VP) 1-360-339-7349 or e-mail hathab@dshs.wa.gov or Rob Honan, (360) 725-3695 (V) or 800-624-4105 (V). Concerns or other questions contact Rob Honan, executive director, e-mail honanrw@dshs.wa.gov.

Participants may access the meeting remotely by telephone (voice only): Dial-in Number: (877) 216-1555 Passcode: 815648 OR by CART; please use the following web site to access the CART <http://www.streamtext.net/text.aspx?event=SILC>.

SILC is appointed by the governor to guide development of and promote access to independent living services for individuals with disabilities statewide. The council works to increase opportunities for self-determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource. We welcome your feedback concerning your experiences and concerns.